

SERVICE DATE – SEPTEMBER 2, 2005

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-682X

**The Los Angeles Junction Railway – Abandonment Exemption –
in Los Angeles County, CA**

BACKGROUND

In this proceeding, The Los Angeles Junction Railway (LAJ), a wholly owned subsidiary of BNSF Railway Company (BNSF), filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a line of railroad between LAJ Mile Marker 2.21 and LAJ Mile Marker 2.67 in Maywood, Los Angeles County, California. The rail line proposed for abandonment extends approximately 0.46 miles in the City of Maywood. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.¹

The City of Maywood plans to acquire the right-of-way of the proposed abandonment as part of its San Gabriel River Park Project. This project would rehabilitate and develop 7.3 acres of land in the area, between the Pemaco superfund site and the Precision Arrow and W.W. Henry properties, into a park.

DESCRIPTION OF THE LINE

According to LAJ, no local traffic has moved over the line for at least two years and there is no overhead traffic to be rerouted.

According to LAJ, the right-of-way is within the City of Maywood, which had a population of 28,083 in 2000 and is in the suburban area of Los Angeles, California. LAJ states that a city park is adjacent to the right-of-way on the north end of the proposed abandonment and the right-of-way is 50 feet in width and relatively flat. According to LAJ, LAJ and BNSF do not own any structures along the right-of-way.

¹ The Board's Section of Environmental Analysis spoke to the U.S. Environmental Protection Agency (USEPA) by telephone on August 24, 2005. USEPA, who is currently monitoring the City of Maywood's park development activities in the area of the proposed abandonment, indicated that it appears that the track materials have already been removed from the right-of-way.

ENVIRONMENTAL REVIEW

LAJ submitted an environmental and historic report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. LAJ served the environmental and historic report on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)]. The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

As stated above, no local traffic has moved on the line segment for at least two years. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

The U.S. Army Corps of Engineers has submitted comments stating that no permits under Section 404 of the Clean Water Act would be required for the proposed abandonment. The National Geodetic Survey has also submitted comments stating that no geodetic station markers have been identified that may be affected by the proposed abandonment.

The City of Maywood has submitted comments stating that it supports the proposed abandonment and the right-of-way would be an integral part of its park project. The City of Maywood issued a Final Environmental Impact Report (EIR) in November 2002, prepared pursuant to the California Environmental Quality Act, which evaluated the potential environmental impacts that could be caused by the park project, including the conversion of the rail line right-of-way for use as part of the park. According to the EIR, the area of the proposed abandonment is adjacent to the Pemaco superfund site.

According to a health risk assessment performed as part of the EIR, the right-of-way proposed for abandonment contains contaminated soils. LAJ provided SEA with a letter from USEPA stating that the City of Maywood and USEPA have developed mitigation measures to be undertaken during construction activities that would prevent adverse health impacts from occurring during the development of the park. In the August 24, 2005 phone conversation with SEA,² USEPA stated that it believes the City of Maywood's mitigation plan is sufficient and USEPA has no concerns regarding the effects of LAJ's proposed abandonment on the contamination in the area.

² SEA spoke with Rose Marie Caraway, USEPA's Remedial Project Manager for the Pemaco superfund site.

HISTORIC REVIEW

LAJ served the environmental and historic report on the California Office of Historic Preservation (State Historic Preservation Officer or SHPO), pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that based on the information submitted by LAJ, no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected by the proposed abandonment. We have reviewed the report and the information provided by the SHPO and concur with the SHPO's comments.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the section 106 process of the National Historic Preservation Act at 36 CFR 800.4(d) and 36 CFR 800.8, we have determined that the proposed abandonment will not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 800.11(d), consists of LAJ's historic report, all relevant correspondence, and this Environmental Assessment, which have been provided to the SHPO and made available to the public.

CONDITIONS

We recommend that no environmental conditions be imposed on any decision granting abandonment authority.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Rini Ghosh, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to STB Docket No. 682X in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Rini Ghosh, the environmental contact for this case, by phone at (202) 565-1539, fax at (202) 565-9000, or e-mail at ghoshr@stb.dot.gov.

Date made available to the public: September 2, 2005.

Comment due date: September 19, 2005.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment